

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

DANIEL E. CHILDS, III,

Appellant

v.

STATE OF MISSOURI.

Respondent

DOCKET NUMBER WD70794

DATE: July 13, 2010

Appeal From:

Circuit Court of Jackson County, MO
The Honorable David Michael Byrn, Judge

Appellate Judges:

Division Four: Thomas H. Newton, C.J., James Edward Welsh, and Karen King Mitchell, JJ.

Attorneys:

Susan L. Hogan, Kansas City, MO

Counsel for Appellant

Attorneys:

Robert J. Bartholomew, Jefferson City, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**DANIEL E. CHILDS, III, Appellant, v.
STATE OF MISSOURI, Respondent**

WD70794

Jackson County

Before Division Four Judges: Thomas H. Newton, C.J., James Edward Welsh, and Karen King Mitchell, JJ.

Daniel E. Childs, III, appeals the circuit court's judgment denying his Rule 29.15 motion for post-conviction relief. He claims that his defense counsel was ineffective for failing to make an adequate offer of proof of evidence he wished to present concerning the victim's past drug use.

AFFIRMED.

Division Four holds:

The circuit court did not clearly err in denying Childs's Rule 29.15 motion. The evidence that Childs sought to introduce--the victim had used drugs in the past but did not pay for them--was inadmissible for the purposes for which Childs sought to introduce it. Childs wanted to use this evidence to show the victim's prior bad acts and to demonstrate her propensity to use drugs and to exchange sex for drugs. This was not proper impeachment evidence. Because the evidence that Childs sought to introduce was inadmissible, he suffered no prejudice from his defense counsel's failure to make a proper offer of proof.

Opinion by: James Edward Welsh, Judge

July 13, 2010

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